

MANUAL TRANSMITTAL

Arkansas Department of Human Services

Division of County Operations



☒ Policy ☒ Form ☐ Policy Directive

Issuance Number FSC 02-14

Food Stamp Certification **Manual**

Issuance Date 11/01/02

From: Joni Jones
Director

Expiration Date Until
Superseded

Subj: Updated Work Registration Policy

Pages to be deleted`		Pages to be added
Front	1622.9 to 1622.20	1622.9 to 1622.20
Back	1622.20 to 1623.1	1622.20 to 1623.1

Front	1623.1 to 1623.2	1623.1 to 1623.2
Back	1623.2 to 1623.3	1623.2 to 1623.3

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FSC 3000, Entire Section	FSC 3000, Entire Section
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Front	12110.4 to 12211	12110.4 to 12210
Back	12220 to 12222	12211 to 12222

Summary Of Changes

1. FSC 1623 – Failing to comply with the E&T Program has been removed as a reason for disqualifying a household member. The information about failing or refusing to cooperate with a Workfare Program requirement as a member of another household has been changed. Now only the household member who fails or refuses to comply with the Workfare Program requirement is disqualified.
2. FSC 1623.1 – Disqualification for failure to comply with the RTW will be handled in the same manner as a failure to comply with the SSN requirement.

3. FSC 1623.3 – This section has been removed. The instructions for disqualifying a household member due to a Workfare non-compliance have been added to FSC 1623.2.
4. FSC 3100 – Policy references were added to this section. Participation in an E&T Program was removed as work registration requirement and a brief explanation of the voluntary E&T Program was added.
5. FSC 3200 – The employment status in item 8 has been changed from “on a full time basis” to “on at least a half-time basis.” In item 9, “a training program” has been added to the list of schools.
6. FSC 3220 – The explanation of work registration exemptions for household members who are aged 16 or 17 has been rewritten. A statement has been added to clarify that household members aged 16 or 17 may meet other work registration exemptions.
7. FSC 3310.2 – Instructions for issuing an advance notice of adverse action and shortening the household’s certification period have been removed and replaced with instructions for issuing a request for clarification.
8. FSC 3310.3 – Instructions to shorten the household’s certification period were removed.
9. FSC 3320 – Due to the implementation of ANSWER, an explanation of the work registration codes have been removed from this section. However, the instructions for prioritizing the work registration reasons remain.
10. FSC 3400 – In item 1, participating in an E&T Program has been removed from the list of things a work registrant must do to show compliance. (Participation in an E&T Program is now voluntary.)
11. FSC 3401 – Refusal to participate in an E&T Program has been removed from the list of work registration violations. (Participation in an E&T Program is now voluntary.)
12. FSC 3401.2 – The conditions under which a voluntary quit must be verified have changed. (Verification is required only when a household’s statements about a voluntary quit are questionable.)
13. FSC 3410 – The sanction penalties have changed. No matter which violation, a sanction may be ended whenever the disqualified member complies. When a sanction is imposed, the household’s food stamp benefit amount may not increase.
14. FSC 3411 – Additional information about applying good cause has been added. For voluntary quits, good cause will only be established if the individual who quit the job accepts employment of at least 30 hours per week. Additional voluntary quit “good cause” reasons have been added.

15. FSC 3413 – This section of policy will also apply to voluntary reduction in work hours. The time frame for “looking back” to see if a voluntary quit occurred has been changed from 60 days prior to the date of application to 30 days prior to the date of application. The procedures for applying a sanction due to a voluntary reduction in work hours have been added to this section. A statement has been added to clarify when a government employee who is on strike is considered to have quit his or her job. An individual must have been working at least 30 hours per week (formerly 20 hours per week) before voluntary quit sanctions will apply.
16. FSC 3414 – Sanctions must now be applied when a recipient of TEA cash assistance fails or refuses to comply with a TEA work requirement and is otherwise subject to the Food Stamp Program work registration requirements.
17. FSC 3430 – A time frame has been established for sending an advance notice of adverse actions to households with a member who failed or refused to comply with a work registration requirement.
18. FSC 3440 – Failure or refusal to register for an E&T Program has been removed from the chart that illustrates what an individual must do to avoid or end a disqualification. Also, now an individual may participate in any E&T component to be in compliance with the RTW.
19. FSC 3441 – Instructions for handling the income and resources of a disabled member have been removed from this policy and a reference to FSC 1622.2 has added to the policy.
20. FSC 3500 – References to the JTPA have been replaced with references to the WIA. Participation in an E&T Program of any type now shows compliance with the RTW.
21. FSC 3510 – Instructions for determining the RTW compliance period have been updated.
22. FSC 3520 – The example has been updated.
23. FSC 3560 – This is a new section. It provides instructions for granting personal exemptions to individuals who are subject to the RTW.
24. FSC 3600 – This section now provides an explanation of the voluntary E&T Program operating in selected counties for individuals who are subject to the RTW. This program is operated by the Department of Workforce Education.
25. FSC 3610 – This section has been updated.
26. FSC 3620 – This section now provides instructions for referring individuals who are subject to the RTW to the E&T Program in Mississippi, St. Francis and Union counties.
27. FSC 3630 – This section now provides instructions for providing transportation reimbursements to individuals who participate in the E&T Program.

28. FSC 3640 – This section now explains the information provided to the county office about E&T Program participants.

29. The following sections of policy have been deleted.

FSC 3603	FSC 3616	FSC 3629
FSC 3604	FSC 3617	FSC 3631
FSC 3605	FSC 3618	FSC 3632
FSC 3606	FSC 3619	FSC 3633
FSC 3607	FSC 3621	FSC 3634
FSC 3608	FSC 3622	FSC 3635
FSC 3609	FSC 3623	FSC 3636
FSC 3610	FSC 3624	FSC 3637
FSC 3611	FSC 3625	FSC 3638
FSC 3612	FSC 3626	FSC 3639
FSC 3613	FSC 3627	FSC 3641
FSC 3614	FSC 3628	FSC 3642
FSC 3615		

30. FSC 3700 – Additional information has been added to this section to clarify program funding methods and allowable costs. Also a statement has been added to clarify that Workfare sponsors must not release information about program participants.

31. FSC 3710 – Additional information about job-related benefits has been added to this section.

32. FSC 3720 – A statement was added to clarify that any work registrant or any household member exempt from the work registration requirements solely due to receipt of TEA cash assistance or unemployment benefits may be referred to the Workfare Program.

33. FSC 3730 – This section has been rewritten to clarify the procedure for determining the prime designee.

34. FSC 3752 – A statement has been added to clarify that a Workfare sponsor must maintain files that record activity by Workfare participant. Also, information has been added to clarify how long Workfare Program records must be maintained by the sponsor.

35. FSC 3760 – The section has been rewritten because the procedures for imposing a sanction due to a Workfare Program non-compliance have changed. Now, only the individual who failed or refused to comply with a Workfare Program requirement will be sanctioned.

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36. FSC 3761 – FSC 3760 and 3761 were combined. FSC 3761 was deleted.
37. FSC 3762 – The good cause provisions in this section were updated to add several new good cause reasons.
38. FSC 3764 – The notice requirements were changed to reflect disqualification by individual rather than for the entire household.
40. FSC 3765 – The procedures for avoiding a sanction were changed to reflect individual disqualification rather than for the entire household.
41. FSC 3766 – This section now contains the procedures for ending a sanction. This policy now reflects individual disqualification rather than closing the case.
42. FSC 3780 – The procedures for calculating the amount of enhanced reimbursement have been re-written.
43. FSC 12110.5 – This is a new section. It provides information about disqualifying members of TEA households who fail to comply with a TEA Work Requirement and who are exempt from the Food Stamp Program work registration requirements only due to the receipt of TEA benefits.

Inquiries to: Betty Helmbeck, Food Stamp Section, 501-682-8284

1. Determine deductible expenses. (See FSC 6400 for dependent care costs, FSC 6500 for medical costs, FSC 6550 for child support costs and FSC 6600 for shelter costs.) Do not allow any medical, child support payments, shelter or child-care expenses paid in full by the ineligible student from excluded income. Allow any deductible medical, child support payments, shelter or child care expense paid (in full or in part) by the ineligible student from income that is not excluded - e.g., the expense is paid from income received by or on behalf of eligible members. Allow any deductible shelter, child support payments, or child-care expense paid in full by eligible household members with cash payments from the ineligible student. When the ineligible student and eligible household members share deductible expenses, allow only the amount contributed towards the expense or actually paid by the eligible members.

If such payments or contributions cannot be differentiated, prorate the deductible expense evenly among the individuals actually paying or contributing towards the expense. Allow any of the pro rata shares of expense incurred by the eligible household members as shelter expense.

The ineligible student's resources (except for jointly owned resources) will not be considered available to the eligible household members. Resources owned jointly by ineligible students and eligible household members are considered available to the household in their entirety. See FSC 4910.

1622.10 Fleeing Felons

12-01-00

A fleeing felon is an individual who is avoiding prosecution or custody for a crime, or an attempt to commit a crime that is classified as a felony. This provision also applies to individuals who are violating a condition of probation or parole under a Federal or State law. Fleeing felon status is usually determined by the existence of a warrant, and the individual is assumed to be fleeing as of the date the warrant is issued.

Fleeing felons and probation/parole violators are ineligible to participate in the Food Stamp Program during any period while the individual is fleeing to avoid prosecution or custody. The presence of a fleeing felon or probation/parole violator will not make the entire household ineligible. Anyone identified as a fleeing felon or a probation/parole violator will be treated as an ineligible household member and his or her income and resources will continue to be shown in the food stamp budget. See FSC 1623.2 for instructions.

1622.20 Disqualification for Certain Drug Manufacture or Distribution Felonies

11-01-98

Each food stamp applicant must state in writing on the food stamp application form whether any household member has been found guilty or has plead guilty or nolo contendere (no contest) to any State or Federal offense classified as a felony by the law of the jurisdiction involved, and which has as an element of the offense, the distribution or manufacture of a controlled substance. This provision will not apply to findings of guilt or pleas of guilty or no contest for offenses occurring on or before July 1, 1997.

No individual who has been found guilty or plead guilty or no contest to any felony offense which has as an element of the offense, the distribution or manufacture of a controlled substance, as defined in section 102(6) of the Controlled Substances Act, will be eligible to receive food stamp benefits. This is a permanent disqualification.

The disqualified individual's income and resources must be included in the household's food stamp budget. See FSC 1623.2 for instructions.

1623 Determining if a Household Member is to be Disqualified

11-01-02

The worker must determine if any household member is to be disqualified from participation in the Food Stamp Program for:

1

- Failing or refusing to provide a Social Security number.
- Failing to comply with the Food Stamp Program Requirement to Work.
- Being found guilty of committing an intentional program violation (IPV).
- Failing or refusing to comply with a Workfare Program requirement.
- Being classified as a fleeing felon.
- Being found guilty of a drug related felony.

1623.1 Disqualification for SSN and RTW Noncompliance

11-01-02

2

FSC 3500 explains compliance with the Food Stamp Program Requirement to Work (RTW). Individuals who fail to comply with this requirement are disqualified unless they qualify for a personal exemption as explained in FSC 3560.

See FSC 2100 for an explanation of the Social Security number requirements and disqualification of household members who fail to comply with these requirements. Members who fail to comply with these requirements remain disqualified until they do comply. To disqualify a member for failure to comply with the SSN or RTW requirements:

1. Do not include the member when determining household size.
2. Include the resources of the ineligible member in their entirety.
3. Calculate a pro rata share of any income received by the disqualified member. To calculate a pro rata share:
 - Subtract allowable exclusions (see FSC 5400).
 - Divide the remaining income evenly among the total household members including the disqualified member.
 - Multiply the pro rata share by the number of eligible members.
 - Count the resulting figure as income.
4. Apply the earned income deduction after the prorated earned income of the disqualified member has been determined and added to the household budget.

2. When the disqualified member does not incur any portion of an allowable expense, do not prorate the expense. Prorate any allowable shelter, child support payments, or dependent care expense paid totally or in part by the disqualified individual. To prorate, divide the expense evenly among all household members including the disqualified member. Multiply the pro rata share by the number of eligible members. Count the resulting figure as an allowable expense. If the household has elected to use the utility standard (see FSC 6620), prorate the utility standard in the same manner.
3. Do not allow uncapped shelter costs if the disqualified member is the only aged/disabled individual in the household. Do not allow medical expenses incurred by a disqualified aged or disabled member. See the Glossary for a definition of an aged/disabled individual.
4. For households still entitled to uncapped shelter costs after an individual has been disqualified, prorate the expenses as explained above. Allow the uncapped amount of the prorated expenses as instructed in FSC 7610.
5. Do not include the disqualified member when determining income, eligibility, or food stamp benefit amount.

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1623.2 Disqualification for IPV, Work Registration,
Drug Convictions and Fleeing Felons

11-01-02

NOTE: See FSC 12110 for instructions on handling TEA or SSI case closures, suspensions, or reductions in TEA or SSI benefits when a household member intentionally failed to comply with a requirement of that program.

FSC 1622.10 explains which household members are considered to be fleeing felons.

FSC 1622.20 explains which household members are to be disqualified because he or she has committed a drug-related felony.

FSC 3100 summarizes the work registration requirements. (This includes the Workfare Program requirements.) Individuals who fail or refuse to cooperate with the work registration requirements will be disqualified. (Work registration requirements do include Workfare Program requirements. It does not include E&T Program requirements because participation in the E&T Program is voluntary.)

FSC 16800 covers the procedure for disqualifying a member who has committed an intentional program violation (IPV). An IPV disqualification may only be imposed after an administrative disqualification hearing, as the result of a decision of fraud by a court of law, or when the household signs a waiver.

Food stamp benefits must not increase when one or more members are excluded due to:

- Classification as a fleeing felon as explained in FSC 1622.10.
- Disqualification due to a conviction for a drug-related felony as explained in FSC 1622.20.
- Disqualification for a work registration violation as defined in FSC 3401.

- Disqualification for failure or refusal to comply with a Workfare Program requirement as explained in FSC 3760.
- Disqualification for an intentional program violation as explained in FSC 16800.

To disqualify a member who is a fleeing felon, has been convicted of a drug related felony, has failed or refused to comply with the work registration requirements, Workfare or the RTW, or has been found guilty of an IPV, the following actions must be completed:

1. Enter the member as a disqualified member. Do not include the member when determining total eligible members.
2. Do not count income the disqualified member no longer receives unless the disqualification is for a voluntary quit or an intentional reduction in work hours that occurred WHILE THE HOUSEHOLD WAS PARTICIPATING IN THE FOOD STAMP PROGRAM. If the voluntary quit or intentional reduction occurred while the household was participating, continue to count the disqualified member's earnings. (Count the amount earned the month before the voluntary quit or reduction in work hours occurred.) Continue to count these earnings in the household's budget until the end of the household's current certification period or until the end of the disqualification period, whichever comes first. This will insure that the household's benefit amount is not reduced as a result of the disqualification.
3. Include the total current income, resources and expenses (including deductible child support payments) of the disqualified member in the food stamp budget when determining eligibility and food stamp benefit amount. (Calculate the budget as if the member were to be included.)
4. Base the income limits upon the number of eligible members. Allow uncapped shelter costs as per FSC 6600 only if one of the eligible household members is aged or disabled. Base the allowable earned income deduction, medical, dependent care, child support and excess shelter deduction on all household members including the disqualified member. Apply the \$3,000 resource limit only if one of the eligible members is aged or disabled as defined in the Glossary, definition of Aged/Disabled. Close the case if there are no eligible household members. Notify the household of the closure via *Notice of Action* (DCO-1). State on the DCO-1 when the household may reapply.

1623.3 Deleted 11-01-02

1624 Determining if a Household Member is a Boarder

10-01-97

Boarders may not participate in the Food Stamp Program.

A boarder is defined as an individual or a group of individuals to whom a household furnishes lodging and meals for a reasonable monthly payment.

3100 The Work Registration Requirements – Summary

11-01-02

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The Food Stamp Act requires all able-bodied participating adults, with specific exceptions, to meet certain work-related requirements. These requirements are prerequisites to eligibility and certification that cannot be waived. (See FSC 9443 for procedures on expedited applications.)

Work registrants must:

1. If referred, participate in a Workfare program.
2. Respond to any requests from a county office worker for information regarding employment status or availability for work.
3. Accept a bona fide offer of suitable employment at a wage not less than the higher of the applicable state or federal minimum wage.
4. Continue employment at a suitable job.
5. Avoid reducing one's work effort to less than 30 hours per week.

See FSC 3400 for additional information.

Voluntary Quit

Any individual who is not otherwise exempt from the work registration requirements will be subject to sanction if he or she voluntarily quits a job without good cause or voluntarily reduces his or her work effort to less than 30 hours per week. See FSC 3401.1.

Requirement to Work (RTW)

Able-bodied individuals between the ages of 18 and 49 who are not pregnant or the parent of a minor dependent child are subject to the RTW. Any individual subject to the RTW will be ineligible to receive food stamp benefits if, during a 36 month period, he or she received food stamp benefits for at least three months while he or she did not work at least 20 hours per week or participate in and comply with a specified work program. See FSC 3500.

E&T Program

In certain locations the Food Stamp E&T Program is available to household members subject to the Requirement to Work. See FSC 3600.

Workfare Program

Where a Workfare Program is operating, certain non-exempt work registrants must perform public service activities as a condition of receiving food stamp benefits. See FSC 3700.

3200 Who is Exempt From Work Registration

11-01-02

Eligible household members are exempt from work registration if the household member is:

1. Under age 16 or age 60 or older.
2. Age 16 or 17 and living with a parent or attending a school or training program on at least a half-time basis.
3. Disabled.
4. Receiving TEA Cash Assistance.
5. Caring for a dependent child under age 6 or an incapacitated person.
6. Receiving unemployment benefits.
7. Currently participating in a treatment program for alcoholism or drug addiction.

Employed or self-employed on at least a half-time basis.

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8. A full-time student in a high school, training program or an institution of higher education.

A full explanation of each exemption appears in FSC 3210-3290.

3210 Under 16 or 60 or Older

01-01-99

Household members younger than 16 years of age or 60 years of age or older are exempt from the work registration requirements.

NOTE: If a child reaches his 16th birthday within a certification period, he/she will be registered for work at the next scheduled recertification unless he or she qualifies for another exemption.

3220 Certain Household Members Aged 16 or 17

11-01-02

A household member who is age 16 or 17 is exempt from the work registration requirements if he or she:

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- Is living with a parent or a person who is acting as a parent;
- Is attending a high school or a school of higher education;
- Is enrolled in an employment training program on at least a half-time basis as determined by the school or training program; or
- Is otherwise exempt – e.g. – disabled, cares for a dependent child under age six, etc.

NOTE: If a child who is exempt from the work registration requirement solely because he is living with a parent or a person who is acting as a parent reaches his 18th birthday within a certification period, he will be registered for work at the next scheduled recertification unless he qualifies for another exemption.

3230 Disabled

01-01-99

Household members who are physically or mentally unfit for employment are exempt from the work registration requirements.

See the Glossary, definition of "Aged/Disabled." In addition to the individuals who meet the definition of disabled found in the Glossary, the following individuals may be considered disabled:

- Individuals receiving services through Arkansas Rehabilitation Services (ARS).
- Individuals receiving Worker's Compensation or other "sick pay" type benefits.

When a member is not receiving disability benefits, the worker will determine if the member's disability is obvious or if verification is required.

An obvious disability is one where the worker can easily determine that the individual is incapable of gainful employment. Individuals with obvious disabilities include, but are not limited to, individuals who are:

1. Recovering from major surgery within the last six weeks; or
2. Housebound or wheelchair bound.

When the disability is not obvious or an obvious disability is questionable, the household will be asked to furnish verification. Acceptable verification includes, but is not limited to:

1. A statement from a physician or licensed, certified psychologist indicating the cause of disability and, if known, how long the disability is expected to last;
2. A decision by the Medical Review Team that the individual is currently disabled; or
3. Collateral evidence (written or oral) that the individual receives services through Arkansas Rehabilitation Services.

Documentation should appear in the case record regarding:

- a. The nature of any disability which results in an exemption;
- b. Why the exemption was allowed based on this disability;
- c. The anticipated length of the disability; and
- d. The type of verification obtained if the exemption was verified.

**FSC – WORK REGISTRATION
Exemptions**

3230 to 3260

NOTE: Services for disabled individuals are available through Arkansas Rehabilitation Services (ARS). If appropriate, the worker may refer the disabled member to ARS through normal office procedures.

3240 Household Member Caring for Dependent Child Under 6 or Incapacitated Person) 01-01-99

A parent or other household member responsible for the care of a dependent child under the age of 6 or an incapacitated person of any age is exempt from the work registration requirements. Exemptions for the care of an incapacitated person should be fully documented. Documentation must include the name of the person providing care and a description of the incapacitating condition.

If a child reaches his 6th birthday within a certification period, the household member responsible for the care of the child will be work registered during the next scheduled recertification unless the member qualifies for another exemption.

3250 Receiving TEA Cash Assistance 01-01-99

All able bodied adults (age 18 or older) receiving TEA Cash Assistance are required to work or participate in TEA Program work activities designed to lead to work. These individuals will be exempt from the food stamp work registration requirements due to compliance with TEA work requirements.

3260 Receiving Unemployment) 01-01-99

Household members currently receiving unemployment insurance benefits are exempt from the work registration requirements. A household member who has applied for, but not yet begun to receive, unemployment insurance benefits is also exempt if he or she was required to register for work with ESD as a part of the unemployment insurance application process.

An applicant for unemployment would not be required by ESD to register for work when:

1. He or she is job attached and laid off for less than 8 weeks; or
2. He or she is a member of a trade union that assists members in finding employment.

Verification of whether the individual was registered through ESD may be obtained by viewing the work registration ID card. The date indicated on that card is the date the registration occurred.

NOTE: The worker will not contact ESD to determine if the household members were registered for work through ESD. This determination will be based upon correspondence (letters, forms, etc.) from ESD provided to the household member, the ID card or any information available. In situations where there is no available information, the registrant's statement will be used. The case record will be documented accordingly.

If an individual exempt from work registration solely due to receipt of unemployment benefits fails or refuses to comply with ESD work requirements, a sanction may be imposed. See FSC 3414.

3270 Addicts and Alcoholics

01-01-99

Household members who are currently participating in a drug addiction or alcoholism treatment and rehabilitation program on a resident or nonresident basis are exempt from the work registration requirements.

3280 Employed Persons and Self-Employed Persons

01-01-99

Household members who are employed and either working a minimum of 30 hours weekly, or receiving weekly earnings equal to the federal minimum wage (\$5.15 per hour) multiplied by 30 are exempt from the work registration requirements.

This exemption includes any migrant or seasonal farm worker who is under a contract or similar agreement with an employer or crew chief to begin employment within 30 days. A migrant or seasonal farm worker who does not have such an agreement and is not otherwise exempt will be registered for work.

The number of hours of employment may be verified from:

1. Wage stubs;
2. Employers; or
3. The current amount of verified income divided by 30.

A household member solely engaged in a hobby, volunteer work or another activity for which little or no payment is received is not considered gainfully employed regardless of the length of time spent in such activities.

A self employed household member who works a minimum of 30 hours per week or who receive weekly earnings equal to the federal minimum wage of \$5.15 per hour, multiplied by 30 hours is exempt from the work registration requirements. This exemption may be established through verification of the amount of earnings if the earnings are at least equal to the \$5.15 x 30 hours per week. If the income is not sufficient to conclude full time employment, the household must cooperate with the worker in establishing either that:

1. The gross income reported is at least sufficient to be considered gainful employment; or
2. The volume of work performed by the household member justifies the self employment enterprise as a full-time job. For example, some farmers work more than 40 hours per week yet make no profit.

3290 Students

11-01-02

A student age 18 or older who is enrolled at least half-time in a high school is exempt from the work registration requirements. If a student is enrolled in an institution of post secondary education as defined in FSC 1622.1 and the student is eligible to participate as per FSC 1622.3, the student is exempt from the work registration requirements. A student over age 18 who is enrolled at least half-time in a high school or GED program is also exempt from the work registration requirements. The exemption continues to apply through periods of school recess but is lost when the student graduates, drops out, is expelled, or otherwise terminates enrollment.

3300 Individuals to be Registered for Work

01-01-99

All eligible household members who are not exempt for work registration will be registered for work.

3310 Work Registration

11-01-02

All eligible, nonexempt household members are automatically work registered when the food stamp application form is signed. A *Notification of Work Registration* (DCO-260) must be issued to let the household know which members are subject to the work registration requirements.

The county office worker must work register household members for work when:

1. An eligible, nonexempt individual enters a household currently certified to participate in the Food Stamp Program; or
2. An eligible household member in a participating household loses an exemption due to a change that must be reported as specified in FSC 11200.

3310.1 Work Registration at Reported Change

01-01-99

At the time of a reported change or quarterly report, work registration must be completed for all nonexempt members who enter the household or for members who lose an exemption as a result of a change which is required to be reported in FSC 11200.

A *Notification of Work Registration* (DCO-260) must be completed when:

1. A nonexempt member enters the household; or
2. An eligible household member loses an exemption due to a change reported on the quarterly report; or
3. A non-exempt member turned 16 since the last quarterly report was processed.

3310.2 Work Registration - Occasional Report

11-01-02

If the worker can determine based solely on information available on the change report or in the case record that the member must be work registered, the *Notification of Work Registration* (DCO-260) will be completed without additional contact with the household. It is permissible to contact the household by telephone to clarify the work registration status of the member and to complete the DCO-260. The information obtained by telephone should be documented in the case record.

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If the needed information cannot be obtained by telephone, the household will be issued a request for contact using a *Notice of Action* (DCO-1). The request for contact will advise the household that if the information needed to complete the work registration is not provided, the non-compliant household member will be disqualified as per FSC 3412. See FSC 12400 for instructions on issuing a request for contact.

3310.3 Work Registration at Quarterly Report

11-01-02

If the worker cannot determine if a member should be work registered based on the information on the quarterly report, it is permissible to contact the household by telephone for additional information. If the needed information cannot be obtained by telephone, a *QR Request for Information* (DCO-218) will be issued to the household. The household must have at least 10 days to respond to the request for information; therefore, the DCO-218 must be returned before the end of the report month or within 10 days, whichever is later. A *Notification of Work Registration* (DCO-260) will be completed and issued to the household when work registration occurs.

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If the household does not return the DCO-218 within the specified time frames, the member will be disqualified per FSC 3412. An adequate notice will be issued to the household to advise the household of the effects of the disqualification.

3320 Work Registration Priority

11-01-02

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Work registration exemptions will be given assigned in the following order:

- Age.
- Physically or mentally unfit.
- Care of a dependent child under age 6 or an incapacitated person.
- In receipt of unemployment compensation.
- Participating in a drug addiction or alcoholism treatment program.
- Employed or self-employed full time.
- Student age 18 or older.
- Receiving TEA cash assistance.

Example A household member is age 62 and physically disabled. The work registration exemption assigned is for age.

Example A household member who is receiving TEA cash assistance has a dependent child age 2. The work registration exemption assigned is for dependent care.

3400 Compliance With Work Registration

11-01-02

Work registrants must:

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1. Participate in a workfare program if referred through the Food Stamp Program;
2. Respond to any request from a county office worker for information regarding employment status or availability for work;
3. Accept a bona fide offer of suitable employment at a wage not less than the higher of the applicable state or federal minimum wage.
4. Continue employment at a suitable job.
5. Avoid voluntarily reducing ones work effort to less than 30 hours per week.

An individual who is exempt from work registration solely due to receipt of unemployment benefits (see FSC 3260) and who fails to comply with comparable ESD work registration requirements will be subject to sanction in the Food Stamp Program.

3401 Work Registration Violation

11-01-02

A work registration violation is:

Refusal, without good cause, to accept an offer of employment at a site or plant that is not subject to a strike or lockout at the time of the refusal at a wage not less than the applicable federal or state minimum wage; or

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1. Refusal, without good cause, to provide sufficient information to allow a determination of employment status or job availability; or
2. Voluntarily and without good cause, reducing ones work effort to less than thirty hours per week; or
3. Voluntarily quitting a job without good cause within 30 days prior to the date of application or at any time while the individual who quit was participating in the Food Stamp Program.

3401.1 Special Instructions for Voluntary Quits

11-01-02

A voluntary quit is defined as the intentional departure of an employee from a suitable job without good cause. The voluntary quit provisions do not apply to changes in employment resulting from:

- Reducing hours of employment while working for the same employer;
- Resignations recognized by the employer as retirement;
- Termination of a self-employment enterprise; or
- Resigning at the demand of the employer.

3401.2 Verification of Voluntary Quit

11-01-02

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When a loss of earned income is reported, the county office worker must verify the last date of employment and the last date of pay. Information provided by the household about the reasons for leaving employment must be verified if questionable.

The household has the primary responsibility for providing verification. However, in situations where it is difficult or impossible for the household to obtain the needed verification in a timely manner, the worker will provide assistance to the household. Acceptable sources of verification include the previous employer, employee associations, union representatives, grievance committees, or other organizations that represent employees who are aggrieved.

The worker may substitute collateral contacts as described in the glossary under "Collateral Contacts" when documentary evidence cannot be obtained.

The household will not be denied access to the Program when the requested verification cannot be obtained due to the circumstances surrounding the quit. Examples of such situations are:

1. Resignation from employment as a result of discriminatory practices or sexual harassment;
2. Resignation due to unreasonable demands by an employer; and
3. Being unable to locate the employer.

The case record will be thoroughly documented to reflect all efforts by the household and the county office to obtain the needed verification.

3410 Sanctions

11-01-02

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The following sanctions will apply to all work registration violations including voluntary quits, intentional work reductions, and failure to comply with a Workfare Program requirement:

First Violation - The individual who failed to comply without good cause will be disqualified from receiving food stamp benefits for three months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

Second Violation - The individual who failed to comply without good cause will be disqualified for six months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

Third Violation - The individual who failed to comply without good cause will be disqualified for twelve months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

FSC – WORK REGISTRATION
Compliance With Work Registration Requirements

3410 to 3411

The household's benefits may not increase as the result of a disqualification for a work registration violation. See FSC 1623.2 for instructions on calculating a budget when there is a disqualified member. If all members are disqualified or if after sanctions are applied, the household's income exceeds the maximum allowed for the eligible household members, the case will close.

3411 Good Cause

11-01-02

It is not possible to enumerate each individual situation that should or should not be considered good cause for a work registration violation. For this reason, the county office worker should consider all facts and circumstances including information provided by both the household and the employer when determining good cause.

All facts and circumstances, including information submitted by the registrant involved and the employer, will be considered in determining good cause. Good cause includes circumstances beyond the household member's control. Examples of good cause include, but are not limited to a household emergency, the unavailability of transportation, lack of adequate child care for children between the ages of six and twelve, or unsuitable employment.

Under no circumstances will a work registrant be required to accept or be penalized for failure to accept or continue employment that is determined unsuitable. The case record must contain documentation of the reason the employment was determined unsuitable.

Employment will be considered unsuitable if:

1. The wages are less than the highest of:
 - The applicable Federal minimum wage (\$5.15 per hour); or
 - The applicable State minimum wage (\$5.15 per hour); or
 - 80% of the Federal minimum wage if neither the Federal nor State minimum wage is applicable.
2. The employment offered is on a piece-rate basis and the hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.
3. The registrant, either to be hired or to continue employment, is required to join, resign from, or refrain from joining any legitimate labor organization. This applies to situations where the prospective employer specifically prohibits membership, and also to situations where the registrant will not be able to retain his union membership if a nonunion job is accepted. A union member can be required to accept full-time, nonunion employment if he or she will not be dropped from the union rolls as a result or if he or she voluntarily drops his or her union membership.
4. The employment offer is located at a site subject to a strike or a lockout at the time of the offer. This does not apply when the strike has been enjoined under S208 of the Labor Management Relations Act (29 U.S.C. 78, commonly known as the Taft Hartly Act), or when an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

Any other employment offered to a particular registrant will be considered suitable unless a registrant can demonstrate or the local office otherwise becomes aware that:

- The degree of risk to health and safety is unreasonable;
- The registrant is physically or mentally unfit (as established by documentary medical evidence or other documented and reliable information) to perform the employment;
- Employment offered within the first 30 days of registration is not in the registrant's major field of employment;
- The working hours or nature of employment interferes with the member's religious observances, convictions, or beliefs - e.g. a Sabbatarian could refuse to work on the Sabbath; or
- The distance between the registrant's residence and the place of employment is unreasonable considering the expected wage and the time and cost of commuting. In any case, employment will not be considered suitable if daily commuting time exceeds two hours per day not including the transportation of a child to and from a child care facility. Employment is also considered unsuitable if the distance from the registrant's residence is not within reasonable walking distance and neither public nor private transportation is available.

When evaluating a voluntary quit, good cause may also be:

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1. Acceptance of any bonafide offer of employment that subsequently fails to materialize.
2. Resignation of a household member when another household member accepts an offer of employment resulting in a need for the household to relocate.
3. Enrollment at least halftime in any recognized school, training program, or institution of higher education.
4. Any resignation recognized by the employer as retirement.
5. Discrimination by the employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs.
6. Work demands or conditions that render continued employment unreasonable such as, but not limited to, working without being paid on schedule.
7. Employment that becomes unsuitable, as defined above, after the acceptance of such employment.
8. Leaving a job in connection with a pattern of employment where a worker frequently moves from one employer to another – e.g., migrant farm labor or construction work.

There will be situations not specifically mentioned where the worker feels that there was good cause for a voluntary quit. In such situations the county office will seek a policy interpretation through the normal chain of command. All such situations will be documented in the case record.

3412 Applying Sanctions

01-01-99

When an eligible household member fails to comply with a work registration requirement while the household was participating in the Food Stamp Program, the county office worker will complete the following steps.

- Step 1 - Determine if the household member is still subject to the work registration requirements. Use FSC 3200 - 3300. If no, document this fact in the case record. Document any verification obtained if verification of the exemption is necessary. Take no additional action. No sanction will be applied. If yes, go to Step 2.
- Step 2 - Determine if the member had good cause for failure to comply. If yes, document the good cause in the case record. Take no additional action. No sanction will be applied. If no, disqualify the member. See FSC 1623.2.

3413 Applying Sanctions at Voluntary Quit or Reduction of Work Hours 11-01-02

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Whenever a loss of earned income is reported at initial application, reapplication, reported change, or on a quarterly report the worker must determine if sanctions are to be applied. Sanctions may be applicable when a household member voluntarily quits a job within 30 days of the date of application or at any time while the individual is participating in the program. (NOTE: A federal, state or local government employee dismissed from a job as the result of a strike is considered to have voluntarily quit the job without good cause.) Sanctions may be applicable when a household member voluntarily reduces his or her work effort to less than 30 hours per week.

If an individual quits employment of 30 hours or more per week, secures new employment expected to be 30 hours or more per week and is then laid off or terminated from the new job, the earlier quit will not be used as the basis of a disqualification. This statement is true for both applicant households and participating households.

Sanctions are also applicable when a voluntary quit or voluntary reduction in work hours occurs but is not reported in a timely fashion. This includes, but is not limited to the following instances:

- A voluntary quit or reduction in work hours occurs 30 days or less before the date of application, is not reported at application and is discovered after application approval.
- A voluntary quit or reduction in work hours occurs after the date of the application interview and is reported after the approval notice is issued.
- A voluntary quit or reduction in work hours occurs while the household is participating but is not reported in a timely fashion.

The following steps must be completed to determine if a voluntary quit has occurred and a sanction should be applied.

- Step 1 - Determine if the employment involved 30 hours or more per week or provided weekly earnings equivalent to the Federal minimum wage of \$5.15 multiplied by 30 hours. If yes, go to step 2. If no, the household will not be sanctioned.

-
- Step 2 - Determine if the member who quit is between the ages of 16 and 60. If this member is less than age 16 or age 60 or older, a sanction will not be applied. If this member is between the ages of 16 and 59, go to step 3.
- Step 3 - Determine if the member who quit or reduced work hours is subject to the work registration requirements. Use FSC 3200 - 3290. If this member was exempt from the requirements at the time the quit occurred (excluding the exemption for employment) or is presently exempt, no sanction will be applied. If the member who quit is subject to work registration, go to step 4.
- Step 4 - Determine if the quit or reduction in hours was for good cause. Use FSC 3411. If yes, the member will not be sanctioned. If no, the member will be sanctioned. See FSC 3420 for the applicable sanction.

The period of disqualification will apply only to the individual or individuals who failed or refused to comply. Only if all individuals are disqualified will the worker close the household's food stamp case. To disqualify an individual household member, the worker must recalculate the household's budget as instructed in FSC 1623.2.

3414 Applying Sanctions for Failure to Comply with ESD

11-01-02

17 When a worker becomes aware that entitlement to unemployment checks has been denied or terminated or that TEA cash assistance has been reduced or terminated, the following steps will be taken:

- Step 1 - Determine if the member was exempt solely due to receipt of unemployment benefits or TEA cash assistance. If the member is otherwise exempt from the work registration requirements, no action will be taken. (For example, a member responsible for the care of a dependent child age 4 fails to comply with an TEA work requirement. Since the member is exempt under the dependent care provisions, no sanction will be applied to the food stamp household.) If not, go to step 2.
- Step 2 - If the member was exempt solely due to receipt of unemployment benefits or TEA cash assistance, determine if the registrant had good cause for failure to comply. (See FSC 3411 for an explanation of good cause.) If the member had good cause for failure to comply, no action will be taken. If not, go to Step 3.
- Step 4 - If the member did not have good cause, disqualify the member. See FSC 1623.2.

3420 When to Impose a Sanction

01-01-99

At application, the sanction will be imposed effective with the month of application regardless of whether the application is approved.

For a participating household, a notice of adverse action must be issued to the household prior to the imposition of a sanction. See FSC 3430. Unless the household is in the last month of certification and has not been recertified, the sanction will be imposed beginning the month following the month in which the notice of adverse action expired.

Example - A household is certified for July through December. On August 16, the county office worker becomes aware of a voluntary quit. On August 23, the worker issues a ten-day advance notice of adverse action expiring on September 2. The disqualification period will be October, November and December.

If a household is subject to quarterly reporting (QR), and is in the third month of the QR cycle, the sanction will be imposed beginning the following month if possible. If the QR form has been received but not processed when the worker learns of the noncompliance, the QR form will not be processed until the ten-day period has lapsed. If the QR form has already been processed, an advance notice of adverse action must be issued. The sanction will be imposed beginning the month following the month in which the notice of adverse action expired.

If the household is in the last month of certification and an application for recertification has not been approved, the sanction will be imposed for the first month of the certification period. This is true even when the household has not submitted an application for recertification.

Example - A household is certified for July and August. On August 28, the worker becomes aware of a voluntary quit. On August 31, the worker approves the household's application for recertification but disqualifies the non-compliant member for the months of September, October and November. A manually issued *Notice of Action* (DCO-1) is used so the household may be advised of the disqualification.

3430 Notices

11-01-02

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Within 10 days of establishing that any participating household member who failed or refused to comply with a work registration requirement without good cause, a notice must be issued to the household.

Unless the household is in the last month of certification, the notice must be sent at least ten days before the effective date of the imposition of the sanction. If the household is in the last month of certification, the timing of the notice will depend on the case's status.

If the household has submitted an application for recertification that has already been approved, a ten-day advance notice of adverse action must be sent. If the household has submitted an application for recertification that has not yet been approved, the sanction will be imposed before action is taken on the application and a *Notice of Action* (DCO-1) manually issued to explain the effects of the sanction. Even if no application has been submitted, a DCO-1 must be issued to the household to explain the sanction period and the effects of the sanction.

If the household is composed entirely of non-compliant members, the notice will specify:

1. That the entire household is being disqualified;
2. Why the household is being disqualified;
3. When the disqualification will be imposed;
4. The months to be included in the period of disqualification; and
5. Any action which the household may take to avoid or to end the disqualification. (See FSC 3441.)

If only the individual who failed to comply is to be disqualified, the notice will specify:

1. That only one member is being disqualified;
2. Why this member is being disqualified;
3. How this disqualification will affect the household's food stamp benefit amount (See FSC 1623.2);
4. When this disqualification will be imposed;
5. The months to be included in the period of disqualification; and
6. Any actions which the member may take to avoid or to end the disqualification.

3440 Avoiding or Ending A Disqualification Through Compliance 11-01-02

A disqualification due to failure to comply with a work registration requirement may be avoided or ended if the individual becomes exempt from work registration or complies with the requirement. A list of actions that cause disqualification is shown below. Also shown is the action that the individual may take to avoid or to end the disqualification.

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NON-COMPLIANCE	TO END DISQUALIFICATION
Failure or refusal to respond to a request from a county office worker for supplemental information regarding employment status or availability for work.	Provides needed information.
Failure or refusal to accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable state or federal minimum wage.	Acceptance of any other employment which yields earnings per week equivalent to the refused job, or securing any other job of at least 30 hours per week or less than 30 hours with earnings equivalent to the federal minimum wage of \$5.15 X 30 hours.
Voluntary quit	Becomes exempt from the work registration requirements Secures new employment of at least 30 hours per week or with earnings at least equivalent to the federal minimum wage of \$5.15 per hour X 30 hours.
Voluntarily reducing one's work effort to less than 30 hours per week.	Resumes working at least 30 hours per week at any job.

3441 Ending a Disqualification When Household Composition Changes 11-01-02

See FSC 3520 for an explanation of the sanctions imposed for a work registration violation.

If a sanctioned member leaves a household, the member's income and/or resources will be dropped from the original household's food stamp budget. However, the sanction does not end. The member who refused or failed to comply continues to be disqualified. If he or she joins another household, he or she will remain disqualified for any months remaining in the original disqualification period. See FSC 1622.2 for instructions on handling the income and resources of ineligible household members.

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3442 Reestablishing Eligibility 01-01-99

After the disqualification has ended, eligibility may be re-established. A disqualified household member may be re-added to the household's case effective for the month following the last month of the disqualification period if currently eligible.

At the beginning of the last month of the disqualification period, the worker will issue a DCO-1 to the household. The household will be advised to contact the worker to clarify the disqualified member's current status and/or to be work registered before the member can be re-added. If the requested information is not provided by the last day of the last month of the disqualification period, the member will not be re-added. The worker will shorten the household's certification period as instructed in FSC 11430.

3500 The Food Stamp Program Requirement to Work (RTW)

11-01-02

Unless exempt, individuals are ineligible to receive food stamp benefits if, during a designated 36-month period, they received food stamp benefits for at least three months (consecutive or otherwise) while they did not:

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- Work at least 20 hours per week (averaged monthly); or
- Participate in and comply with a Workforce Investment Act (WIA) Program for 20 hours or more per week; or
- Participate in and comply with a Trade Adjustment Act (TAA) Program for 20 hours or more per week; or
- Participate in a Food Stamp Employment and Training (E&T) Program.
- Participate in and comply with a Workfare Program; or
- Participate at least half-time (as defined by the program) in a recognized refugee training program approved, funded, or operated by the Office of Refugee Resettlement.

An individual who is self-employed and actually works at this enterprise for an average of 20 hours per week or more meets the RTW. There is no requirement that the self-employment enterprise show a profit. The decision about whether an individual is self-employed will be made on a case by case basis. See FSC 5610 for general explanation of what a self-employment enterprise is. When an individual declares that he or she is self-employed but maintains no records of his or her income and expense, the county office worker may ask for some type of collateral verification. For example, if an individual claims to be self-employed collecting and selling cans, the household may be asked to furnish a collateral contact from the company or person who buys the cans.

Working as a volunteer will not satisfy the RTW. Working without compensation will not satisfy the RTW. An individual who is employed by a company or another individual must be compensated although there is no minimum amount. An individual who receives in-kind benefits for work is considered to be compensated.

Example - An individual works 20 hours each week in a coin laundry. In return, the individual is allowed to live in an apartment above the laundry free of charge. This person meets the RTW.

Anyone who is currently employed by a company or an individual and who annually works an average of more than 20 hours per week has complied with the RTW. This includes people whose work is seasonal, those who cannot work due to extended periods of bad weather and school employees who do not work in the summer or other periods of school vacation.

The following individuals are exempt from the RTW.

1. Anyone age 17 or younger
2. Anyone age 50 or older
3. Anyone medically certified as physically or mentally unfit for employment - This includes any individual who:
 - Meets the definition of disabled as provided in the Glossary, definition of Aged/Disabled; or
 - Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - Was found to be disabled through a decision of the Medical Review Team; or
 - Provides a statement from a physician or licensed, certified psychologist indicating the cause of the disability and anticipated duration of the disability. (A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than three months.)
4. Any parent of a minor dependent child age 17 or younger so long as the dependent child lives with them - This includes natural, adoptive and step parents. If both parents are in the home, then both parents are exempt under this provision. If a couple (e.g., grandmother and grandfather) both exercise parental control, both individuals are exempt under this provision.
5. Any pregnant woman - This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
6. Anyone who is otherwise exempt from the work registration requirements - This exempts the following individuals from the RTW:
 - Anyone who is responsible for the care of a dependent child under the age of 6 or an incapacitated person of any age;
 - Anyone who is receiving TEA cash assistance;
 - Anyone who is currently receiving unemployment benefits or anyone who has applied for unemployment benefits but is not yet receiving them;
 - Anyone who is participating in a drug addiction or alcoholism treatment and rehabilitation program on either an inpatient or outpatient basis;
 - Anyone who is employed and either working a minimum of 30 hours weekly or receiving weekly earnings equivalent to the federal minimum wage multiplied by 30; and
 - Any student age 18 or older who is attending a high school or an institution of post secondary education on at least a half-time basis or attending an institution of higher education on any basis.

3510 Establishing the RTW 36 Month Compliance Period

11-01-02

The 36 month RTW compliance period must be established on an individual basis for each food stamp recipient between the ages of 18 and 49 unless the individual is pregnant, the parent of a dependent child under the age of 18, or disabled as defined in the Glossary, definition of Aged/Disabled Household. Once established, a 36 month RTW compliance period runs continuously regardless of whether the individual participates in the Food Stamp Program.

The RTW compliance period begins with the first month of participation, other than months in which retroactive or restored benefits are authorized, and ends 36 consecutive calendar months later. This includes months in which a prorated benefit amount was issued. It does not include months in which benefits were not issued because the prorated amount was less than \$10.00.

Example 1 - A household was certified on September 23, with September as the first month of the certification period. For household members subject to the RTW, the first month of the RTW compliance period is September.

Example 2 - A household was certified on November 3 with September as the first month of the certification period. Retroactive benefits were authorized for September and October. For household members subject to the RTW, the first month of the RTW compliance period is November.

For individuals who have been living in another state, the RTW compliance period will begin when the individual is certified to receive food stamp benefits in Arkansas. This applies regardless of whether the individual received food stamp benefits in the other state. It also applies if the individual previously lived in Arkansas and had a 36-month period established during the previous residency.

For individuals added to existing food stamp cases, the 36 months RTW compliance period begins the month the individual first participates in the Food Stamp Program. If an individual moves from the one household to another, the original RTW compliance period will continue uninterrupted until its conclusion.

See the chart below for establishing an RTW compliance period for people who lose an RTW exemption.

Individual turns 18.	The month after the 18 th birthday.
Individual's youngest child turns 18 or all dependent children leave the home.	The month after the child turns 18 or leaves the home.
Individual no longer disabled.	The month after it has been established that the disability has ended.
Woman no longer pregnant but there is no dependent child in the home.	The month after the woman becomes able to work.

Any period of participation in the Food Stamp Program while an individual is exempt from the Requirement to Work (RTW) will not count toward the individual's three-month participation limit. However, once a 36-month compliance period has been established it runs continuously regardless of whether the individual later becomes exempt from the RTW and then loses that exemption.

Example - A young lady turns 18 in April 2002. Her 36-month period of compliance began May 2002. In July 2002, she reports that she is two months pregnant. In August 2002, she miscarries. She is able to work again in September 2002. Her 36-month period of compliance still began in May. However, her only month of non-compliance is May.

**3520 Disqualifying Individuals Who Fail to Comply
With the Requirement to Work**

11-01-02

At application (except for first time applicants), at recertification, or when processing a quarterly report or reported change, the DCO county worker must evaluate the RTW status of all nonexempt household members. Any nonexempt member who has **participated** in the Food Stamp Program for three months, consecutive or not, since the beginning of that individual's 36 month RTW compliance period without meeting the RTW will be ineligible to participate in the Food Stamp Program.

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Example - A household member became subject to the RTW. The first month of the RTW compliance period was March. On August 5, the county office worker was processing the household's quarterly report. The household member failed to meet the RTW in May, June and July. This member was disqualified when the August quarterly report was processed.

If the individual who is disqualified due to failure to comply with the Requirement to Work (RTW) is the only household member, the food stamp case will be closed. If other household members remain eligible, the instructions in FSC 1623.2, items 1-3, will be used to determine the household's monthly food stamp benefit amount. The disqualification will continue until the end of the designated 36-month period or until the member regains eligibility. See FSC 3531-3632.

FSC – WORK REGISTRATION
The Food Stamp Program Requirement to Work (RTW)

3521 to 3522.1

3521 Evaluating Whether to Impose a Penalty

01-01-99

The following checklist may be used to evaluate whether a penalty must be imposed against an individual for failure to comply with the Requirement to Work (RTW).

Step 1 - *(Check all that apply.)* Does this individual meet any RTW exemption listed below?

- ☐ Under age 18
- ☐ Age 50 or older
- ☐ Medically certified as disabled to work
- ☐ Parent of a child age 17 or younger
- ☐ Pregnant
- ☐ Exempt from work registration requirements per FSC 3200
- ☐ Working more than 20 hours per week on an average
- ☐ If any exemption is checked, stop. If no exemption is checked, go to Step 2.

Step 2 - *(Check one.)* Has this individual participated in the Food Stamp Program for at least three months, consecutive or not, since he or she was notified of the RTW?

☐ YES ☐ NO

If NO, stop. If YES, go to step 3.

Step 3 - *(Check all that apply.)* During any of those months, did this individual:

- ☐ Work at least 20 hours per week on an average?
- ☐ Participate in and comply with a WIA Program at least 20 hours per week?
- ☐ Participate in and comply with a TRA Program at least 20 hours per week?
- ☐ Participate in and comply with an E&T Program other than job search at least 20 hours per week?
- ☐ Participate in and comply with a Workfare Program?
- ☐ If any block is checked, go to Step 4. If none of the blocks are checked, the individual will be disqualified.

Step 4 - *(Check one.)* Has the individual participated for three or more months when the RTW was not met? Include months of participation prior to this case action but after the 36 month period began.

☐ YES ☐ NO

If YES, disqualify the individual.

If NO, enter the number of total months (one or two) the individual has already participated without meeting the RTW.

3522 Disqualification at Initial Application 01-01-99

At initial application, the status of each household member subject to the RTW will be evaluated. If any household member has not met the RTW, that member will be disqualified when the application is processed. If all members are disqualified, the application will be denied.

3522.1 Presumptive Disqualification at Initial Application 01-01-99

If any member has participated in the Food Stamp Program for two full months without complying with the RTW and is not currently exempt or in compliance, the application will be handled in one of two ways.

1. Additional Household Members - When there are household members who are not to be disqualified, a normal certification period will be assigned. A budget will be prepared to remove the disqualified member once they receive their last month's benefits. If this results in a change in the monthly food stamp benefit amount, the change will be handled at application. See FSC 7523.2 for instructions on calculating a variable budget.
2. No Additional Household Members - When all household members were disqualified, the application will be approved for one month. The RTW status of the non-compliant members will be examined if the household reapplies.

3523 Disqualification at Recertification 01-01-99

At recertification, the status of each household member subject to the Requirement to Work (RTW) will be evaluated. If any member has not met the RTW for any three months during the established compliance period (see FSC 3510), that member will be disqualified effective with the first month of the new certification period. If all members are disqualified, the application will be denied.

3523.1 Presumptive Disqualification at Recertification 01-01-99

If any member has not met the Requirement to Work (RTW) for any two previous months and is not currently working or otherwise exempt from the RTW, the member may be disqualified presumptively for the upcoming month. If all members will be disqualified presumptively for the upcoming month, the application will be denied. If not, only the non-compliant member (or members) will be removed from the budget.

3524 Disqualification at Time of Quarterly Report 01-01-99

When the quarterly report is processed, the status of each household member subject to the RTW will be evaluated. If any member has not met the RTW for any three months during the established 36-month period, that member will be disqualified effective with the upcoming month. If all household members are disqualified, the case will be closed. If not, only the non-compliant member (or members) will be disqualified.

3524.1 Presumptive Disqualification at Quarterly Report

01-01-99

If any member has not met the RTW for two months prior to the review month and is not currently working or otherwise exempt when the quarterly report is processed, the member may be presumptively disqualified.

3525 Disqualification at Reported Change

01-01-99

When a reported change is submitted by either an occasional reporting household or a quarterly reporting household, the status of each household member subject to the RTW will be evaluated. If any member has not met the RTW for any three months during the established thirty-six month period, a ten-day advance notice of adverse action must be issued. The member will be disqualified; or if all members are disqualified, the case will be closed. The disqualification will be effective the month following the month of expiration of the notice of adverse action. There will be no presumptive disqualification for failure to meet the RTW when a reported change is processed.

3526 Notices

01-01-99

If any member is disqualified for failure to comply with the RTW, the household will be notified:

- Why the member has been disqualified;
- How the member may comply with the RTW;
- That the household must advise the county if this member complies with the RTW;
- Who is exempt from the RTW; and
- That the household must advise the county if this member becomes exempt from the RTW.

If any member is disqualified presumptively, the household will also be notified:

- When the disqualification will be imposed; and
- That the disqualification may be avoided if the household member complies with the RTW or becomes exempt from the RTW before the specified date.

3530 Regaining Eligibility Due to Exemption

01-01-99

Individuals denied food stamp eligibility for failure to comply with the RTW can regain eligibility at any time if they become exempt from the RTW. See FSC 3900 for a list of individuals who are exempt from the RTW.

3531 Regaining Eligibility Through Compliance

01-01-99

Any individual denied food stamp eligibility for failure to comply with the RTW can regain eligibility for a three consecutive month period if during a 30-day period the individual:

- Works 80 hours or more; or
- Participates in and complies with a WIA Program for 80 hours or more; or

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- Participates in and complies with a Food Stamp E&T Program requirement other than a job search or a job search training program for 80 hours or more; or
- Participates in and complies with a Workfare Program under Section 20 of the Food Stamp Act or a comparable state or local program for any number of hours.

Once the individual has regained eligibility and the three-month period has begun, the individual may continue to participate until the end of the three-month period regardless of whether he or she continues to meet the RTW. However, other Food Stamp Program requirements will continue to apply.

Example - An individual is being allowed to participate in the Program because he complied with the RTW. He is not currently working. He refuses an offer of employment. He will be disqualified under the work registration requirements at FSC 3100.

Even if an individual is disqualified for other reasons, the three-month period continues as established.

Example - An individual is disqualified in January for failure to comply with the RTW. In February, he works a total of 80 hours as a temporary worker. In March, he is added back to the food stamp case for April, May, and June. In April, he refuses the offer of a full-time job. He is disqualified effective May 1, for failure to comply with the work registration requirements. Even though he is disqualified for failure to comply with the work registration requirements, the three month RTW period remains April, May, and June. There is no extension.

Even if an individual becomes ineligible for other reasons, the three-month period continues as established.

Example - An individual complies with the RTW. His period of eligibility due to compliance is established as April, May, and June. The household fails to return its QR form in April and the case closes at the end of April. The household reapplies in June. The three month period of eligibility remains April, May and June even though the household did not participate in May.

Once the three consecutive month period has ended, the individual may participate only if he or she becomes exempt from the RTW. (See FSC 3630.) This means the county must contact the household in the third month of the three consecutive month period to determine if the individual is exempt from the RTW. No method of handling this task is mandated. Each county must devise a method of handling this task.

If the individual is not exempt, he or she will once again be disqualified. This individual may participate in the Food Stamp Program again only when the 36-month period ends or he or she becomes exempt from the RTW.

3532 Notifying the County Office

01-01-99

The household must notify the county office when a disqualified individual goes to work or otherwise meets the RTW. The household is the primary source of information about any member meeting the RTW. Should a household report independent of the quarterly report that a member has met the RTW, the county worker has ten days to determine compliance. If yes, the compliant member will be added back to the food stamp case.

If this information is reported via the quarterly report, the normal processing standards will apply.

3540 County Office Actions

01-01-99

If a case has been closed because one or more members failed to meet the RTW, the household may submit a new application at any time. However, if an application is submitted before the end of the 36-month period, the household must provide the information necessary to verify that disqualified members have met the RTW or have become exempt from the RTW.

At the end of the 36-month period, disqualified members will be added back to the food stamp case. If the food stamp case has been closed because the entire household was disqualified for failure to comply with the RTW, the household may reapply. At reapplication, only those household members whose 36-month period has ended will be allowed to participate in the Food Stamp Program. The other household members will continue to be treated as disqualified members.

3550 Waivers

01-01-99

The Department of Agriculture, Food and Nutrition Service, has granted permission for the State to waive the Food Stamp Program Requirement to Work (RTW) in certain areas where the current unemployment rate is higher than 10 percent. The State has also been granted permission to waive the RTW in areas designated as labor surplus by the Department of Labor, Bureau of Labor Statistics.

These waivers are not permanent. Any county affected by such a waiver will be notified of the terms of the waiver and will be provided with instructions for implementing the waiver.

RTW waivers are applicable to individuals who actually live in an area covered by the waiver. An individual who lives in a labor surplus area but who has elected to receive services in another county will be exempt from the RTW. An individual who lives in an area where there is no RTW waiver is subject to the RTW even if he or she chooses another county as their service county.

For tracking purposes, an individual who may be subject to the RTW does not need to be identified in counties where the RTW has been waived. However, an individual who receives services in a waived county but actually lives in a county where the RTW applies must be tracked.

If an individual physically moves into an area covered by a RTW waiver, the individual becomes exempt from the RTW. Disqualification for failure to comply with the requirement will no longer apply. If an individual moves from an area covered by an RTW waiver into an area where the waiver does not apply, the requirement will apply again.

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3560 Personal RTW Exemptions**11-01-02**

FNS grants each state a certain number of RTW exemptions to be applied in areas not covered by a RTW waiver. The State of Arkansas has chosen to apply these exemptions across the board to all individuals who are subject to the RTW and reside in an area not covered by a RTW waiver.

In counties with no RTW waiver, whenever an application, quarterly report or reported change is processed, the worker must determine if any household member would be subject to sanction because of the RTW. If so, that individual will be granted an exemption from the RTW requirement **FOR TWELVE MONTHS OR UNTIL THE INDIVIDUAL BECOMES EXEMPT FROM THE RTW, WHICHEVER COMES FIRST.** The decision to exempt an individual from the RTW must be documented in the case record.

Exemptions will not be granted to:

- Individuals who are the parents of a minor child,
- Individuals who are disabled,
- Individuals who are younger than age 18 or older than age 49,
- Individuals who are exempt from the work registration requirements, or
- Individuals who are otherwise in compliance with the RTW because they are working at least 20 hours per week or participating in a job training program as specified in FSC 3500.

Counties must track each food stamp recipient granted a personal exemption from the RTW so that we can maintain an accurate record of these exemptions. The county may track this information manually or by using a PC based system. Any system devised should track, at a minimum, the name and social security number (SSN) of the exempted individual and the date of the exemption.

Each month, the county must submit to the Food Stamp Section, Central Office, a report of the total number of personal RTW exemptions granted during the month. (It is not necessary to submit the names and SSNs of exempted individuals.) The report should be submitted by the 10th of each month for the prior calendar month. The report may be e mailed or faxed to the Manager of the Food Stamp Program. The fax number in the Food Stamp Section is (501) 682-1469.

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3600 Food Stamp E&T Programs**11-01-02**

The Food Stamp Act requires all states to operate an Employment and Training (E&T) Program to assist eligible recipients in obtaining skills necessary in order to gain employment. In s food stamp t recipients who are subject to the requirement to work are provided services through the Food Stamp Employment and Training (E&T) Program which is operated by the Arkansas Department of

Workforce Education.

Participation in the Food Stamp E&T Program is voluntary. No individual will be penalized for failure or refusal to participate in the Food Stamp E&T Program.

<div style="border: 1px solid black; padding: 2px; display: inline-block;">26</div>	3610	<u>Registration</u>	11-01-02
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Work registration of food stamp recipients is completed at initial certification and at each recertification when the *Food Stamp Application* (DCO-220) is signed. Registration must also occur at the time of a reported change or recertification when a member of an active case loses an exemption.

<div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div>	3620	<u>E&T Program Referral</u>	11-01-02
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In selected counties, county office workers will refer to the local DWE office all food stamp recipients who are subject to the Requirement to Work (RTW). This includes all able-bodied, non-exempt individuals between the ages of 18 and 49. The following individuals are exempt from the RTW:

1. Anyone age 17 or younger.
2. Anyone age 50 or older.
3. Anyone medically certified as physically or mentally unfit for employment. This includes any individual who:
 - Meets the definition of disabled as provided in the Glossary, definition of Aged/Disabled.
 - Receives services through Arkansas Rehabilitative Services.
 - Receives Worker's Compensation or sick pay benefits.
 - Receives a decision of disability from the Medical Review Team.
 - Provides a statement from a physician or licensed, certified psychologist indicating the cause of the disability and anticipated duration of the disability.
4. Any natural, adoptive or step-parent of a minor dependent child age 17 or younger so long as the dependent child lives with the parent. If both parents are in the home, then both parents are exempt under this provision. This provision also applies to individuals who are exercising parental control over a child age 17 or younger in the absence of a parent. If a couple (e.g., grandmother and grandfather) both exercise parental control, both individuals are exempt under this provision.
5. Any pregnant woman - This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
6. Anyone who is otherwise exempt from the work registration requirements because he or she is:
 - Responsible for the care of a dependent child under the age of 6 or an incapacitated person of any age.
 - Receiving TEA cash assistance.

- Receiving unemployment benefits or has applied for unemployment benefits but is not yet receiving them;
- Participating in a drug addiction or alcoholism treatment and rehabilitation program on either an inpatient or outpatient basis;
- Working a minimum of 30 hours weekly or receiving weekly earnings equivalent to the federal minimum wage multiplied by 30; or
- Attending a high school or an institution of post secondary education on at least a half-time basis or attending an institution of higher education on any basis.

Referrals will occur at initial application, at recertification. Referrals will also be made at reported change or quarterly report if a household member has become subject to the requirement to work (RTW). Referrals will be made even if the county has been selected as an RTW “waiver county.” Referrals will also be made even if the individual has been granted an RTW personal exemption.

County office workers will use a *Referral Form and Participation Record* (DCO-205) to refer appropriate household members to the E&T Program A Notification of Work Registration (DCO-260) will be given to the household to serve as the registrant’s “notice” and to explain the E&T Program to the registrant. Referrals will be made using the DCO-205 and DCO-260 at application (initial and recertification), quarterly report and reported change.

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3630 Reimbursement/Payments

11-01-02

The only Food Stamp Program E&T expenditure that may be reimbursed directly to program participants is transportation. Each E&T participant will be eligible to receive reimbursement up to a maximum of \$25 per calendar month for transportation necessary to enable the individual to comply with required component activities.

Reimbursement for transportation will be based on actual expenses of \$.29 per mile or the actual costs (e.g., for bus service or transportation provider) up to the maximum allowed per calendar month per participant (NOTE: This reimbursement will not be counted as income in the food stamp budget. See FSC 5411.)

Each month that an E&T Program participant incurs a transportation expense, the E&T Program participant must complete a “*Billing and Routing Sheet*” (DHS-0187). The DHS-0187 may be completed in the DWE Adult Education Office when the client goes there for E&T Program services. (The form has been revised to include a check-off box for E&T Program travel reimbursements.)

When an E&T Program participant uses his or her own car for E&T related travel, sections A, B, C and E of the DHS-0187 must be completed by the participant. When an E&T Program participant pays someone else to transport him or her, Sections A, B and C of the DHS-0187 must be completed and documentation of transportation cost must be attached. If public transportation is used, a copy of the bus ticket or a receipt should be attached. If the participant pays another individual to furnish transportation, that individual must provide a signed statement indicating the dates on which transportation was provided and the amount paid for the transportation.

The DWE worker will not sign or date the DHS-0187. Instead, the form will be forwarded to the DHS county office. The DHS county office worker will sign the form in the area entitled “DHS Authorized Signature” and will authorize the payment via the WISE system.

To key transportation for an E&T case, the county office worker must go to RSRP, key the SSN of the individual to receive the reimbursement and <Enter>. This should bring in the Participant Name, County, and Category. After that the worker must complete the following steps:

- Tab to Reason field and key T1.
- Tab to Mnth-Yr and key a numeric entry. (Example – Key January 2002 as 01-02.
- Tab to Reim Amount and key 2500. (This equals \$25.00).
- Tab to COMP and key NCA.
- Tab to WA Cat and key FS.
- Tab to Provider # and key the letter C.
- <Enter>.

NOTE: Each time a reimbursement is to be authorized, the worker must check the client's mailing address displayed on WISE to be sure it is the current/correct one. The WISE mailing address can be corrected from INPS if necessary but this needs to be done before a reimbursement check is authorized.

After the first enter, the message “**Press Enter To Update Screen**” will appear. <Enter> again to process the payment. If everything processes OK, the message “Update Complete” will appear.

Once the payment has been authorized via WISE, the DHS worker add the check # to the form at the top of the page and will mail the form to the address provided on the form.

When a DWE worker becomes aware that an E&T Program participant has gone to work, the DWE worker will notify the DHS county office. This information will be processed at the next quarterly report.

Participation in the Food Stamp E&T Program is voluntary. No individual will be penalized for failure or refusal to participate in the Food Stamp E&T Program.

3700 Workfare

11-01-02

Workfare requires certain nonexempt work registrants to perform public service activities as a condition for receiving food stamp benefits. The primary goal of Workfare is to improve employability, thereby enabling individuals to move into regular employment. Workfare is operated jointly by a state or political subdivision and the Food and Nutrition Service of USDA. A political subdivision is any local government, including but not limited to, any county, city, town or parish. FNS must approve Workfare plans prior to implementation of the program.

Political subdivisions approved to operate Workfare are called Workfare sponsors.

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Fifty percent of all administrative costs incurred by the Workfare sponsor will be funded by the federal government. Participant's costs will be reimbursed up to, but not in excess of, \$25.00 per month. (See FSC 3751.) Costs that are not reimbursable include: Equipment, capital expenditures, tools or materials used in connection with the work, the costs of supervising Workfare participants, the costs of reimbursing participant's meals, or participant expenses in excess of \$25.00 per month.

The State will disburse federal funds used for the Workfare Program. The State will assure that records to support these financial claims are being maintained by the Workfare sponsor.

The Workfare sponsor is responsible for interviewing and assessing eligible recipients, establishing job sites, assigning recipients to appropriate job sites, and making initial determinations of good cause or no good cause for failure to comply with Workfare obligations. Workfare job sites may only be located in public or private, non-profit agencies. Contractual agreements must be established between the Workfare sponsor and the job site.

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3710 Conditions of Workfare Employment

11-01-02

All persons employed in Workfare must receive job-related benefits to the same extent as others who are similarly employed. These are benefits related to the actual work being performed, such as worker's compensation. These are not benefits related to employment such as health benefits. Of those benefits required to be offered, any elective benefit that requires a cash contribution will be optional to Workfare participants.

NOTE: The cost of Worker's compensation or comparable protection provided to participants by the Workfare sponsor is a matchable cost. However, whether or not this coverage is provided, in no case is the federal government considered to be the employer in a Workfare Program, unless a federal agency is the job site. The Department of Agriculture does not assume liability for any injury to or death of a Workfare participant while on the job.

Workfare participants must be provided the same working conditions as others who are similarly employed. Health and safety conditions must conform with Sec. 2(a) (3) of the Service Contract Act of 1965 (P.L. 89-286).

Workfare participants will not be assigned work that has the effect of replacing or preventing the employment of an individual not participating in Workfare. This means that vacancies due to hiring freezes, terminations, or layoffs will not be filled by a Workfare participant unless such vacancies are a result of funds insufficient to sustain former staff levels. Workfare jobs must not in any way infringe on the promotional opportunities that would otherwise be available to regular employees.

Workfare jobs will not be related in any way to political or partisan activities. Although Workfare participants may be assigned to work for an elected official, they may not engage in work that could be construed as political, such as campaign work.

Workfare assignments will take into consideration previous training, experience and skills of participants. This information shall be obtained from the participant during the initial interview with the Workfare administrator.

3720 Who is Subject To Workfare

11-01-02

The DCO county office worker will determine at certification, recertification or submission of a completed quarterly report which household members are required to participate in the Workfare Program.

Any household member who is not exempt from the work registration requirements as specified in FSC 3200 may be required to participate in the Workfare Program. See FSC 3730 below.

33 Exception 1: Recipients of TEA cash assistance who are not otherwise exempt from the work registration requirements may be required to participate in a Workfare Program if he or she participates less than 20 hours per week in a TEA work requirement activity.

Exception 2: Unemployment benefit applicants and recipients who are not otherwise exempt from the work registration requirements may be required to participate in a Workfare Program.

If a Workfare Program participant is unable to report for job scheduling, to appear for scheduled Workfare employment or to complete their entire Workfare obligation due to compliance with an unemployment or TEA Program work requirement, that inability will not be considered as a refusal to accept Workfare employment. The Workfare sponsor must reschedule the missed activity. If the rescheduled activity cannot be completed before the end of the month, that must not be considered as cause for disqualification.

34 3730 Determining Workfare Obligation

01-01-99

Normally, a household's Workfare obligation begins when the county worker determines that a certified household contains a member who is subject to the Workfare requirement. This obligation ends when all household members become exempt or when the household moves from the county, or when the food stamp case is closed for any reason. A household is considered to have good cause for not completing any remaining hours of obligation after case closure.

Only one member per household will be required to participate in Workfare at a given time. If there is more than one household member who is subject to the work registration requirements, the household selects which household member will participate in the Workfare Program. This individual is considered to be the household's prime designee. In households having more than one member subject to Workfare, another household member who is Workfare eligible may fulfill the Workfare obligation if the original designee does not. (See FSC 3760.) The Workfare office, which is notified of all Workfare eligible household members via the referral form, should report a change in designees to the local DHS county office. However, it is not necessary that the DHS county office be notified prior to the work obligation being completed by another eligible designee.

The household's obligation of work hours each month will be calculated by dividing the household's authorized monthly food stamp benefit amount (before recoupment) by the current federal minimum wage. Fractions are rounded down.

A food stamp recipient may be required to work no more than 30 hours per week. This maximum may be exceeded only with the recipient's consent. The recipient must be informed in writing that such work is purely voluntary on his/her part, and no monetary compensation or other benefits for such work should be expected. In any case, the total weekly average for the month must not exceed 30 hours per week. Recipients working for compensation either full-time or part-time or recipients participating in the Food Stamp E&T Program may not be required to exceed 30 hours of work each week including E&T Program activities. No participant may be required to work more than 8 hours per day except with his/her consent.

The household's hours of obligation for any given month will not be carried over into another month except when the household wishes to end a disqualification due to noncompliance with Workfare as explained in FSC 3760.

3740 Referral of Workfare Eligibles

01-01-99

The DHS county office determines Workfare eligibles and makes referrals. The worker will determine at certification or recertification which household members are subject to work registration as per FSC 3200-3290. Once these persons are identified, the worker will:

1. Notify the household of the work registration requirements via *Notification of Work Registration* (DCO-260) if necessary. See FSC 3300-3310.2.
2. Determine if a household member is subject to Workfare using the criteria in FSC 3710. If more than one member is subject to Workfare, the household must designate the member who will be responsible for the Workfare obligation. This member, who is the prime designee, does not have to be interviewed in the county office; however, when the household makes a change in designee, the DHS County Office should be notified.
3. Complete the *Referral/Change* (DCO-207) in accordance with instructions on the form. Calculate the hours of obligation in accordance with FSC 3720. This will be done at certification, recertification or submission of a quarterly report when the reported change will affect the food stamp benefit amount and the Workfare obligation. The DCO-207 will be routed to the Workfare Office within five days of date of completion.

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4. Establish a job search period of 10 days. The job search period must follow certification and must end before the Workfare assignment is made. Job search periods are only established when an individual is referred to Workfare for the first time or when an individual is referred again following a period of nonparticipation in Workfare. A job search period is established at application but not at recertification or submission of quarterly report.
 5. Prepare a *Notification of Workfare Obligation* (DCO-208). Issue a copy to the prime designee as official notification of Workfare obligation.
 6. Advise the household of the responsibilities listed below:
 - The participant is expected to look for a job if a job search period is established.
 - The participant must report to scheduled appointments and participate in Workfare activities as directed by the Workfare Sponsor.
 - The participant must advise the Workfare sponsor's office in advance if he or she is unable to keep scheduled appointments due to unavoidable circumstances such as illness, household emergency, etc.

(These responsibilities are explained on the DCO-208.)

7. Inform the household of the affect of any changes on Workfare obligation.
8. Advise the Workfare sponsor within 5 days of the date a change was processed and how this change will affect a household's Workfare obligation. This also includes changes in prime designee, head of household and case closures.
9. Provide the following information to the Workfare sponsor when the sponsor reports a participant has obtained employment:
 - a) The food stamp benefit amount prior to the change; and
 - b) The food stamp benefit amount after the change.

The information will be used by the Workfare Sponsor to calculate the amount of enhanced reimbursement as instructed in FSC 3710.

10. Make final determination on good cause requests as explained in FSC 3763.
11. Act on reports of noncompliance as described in FSC 3750-3753.

3750 Workfare Sponsor Responsibilities

01-01-99

FSC 3700--3710 gives a general explanation of the Workfare sponsor's responsibilities for administering the Workfare Program.

Specific Workfare sponsor responsibilities and the policy section in which they are explained are listed below:

- Assigning participants FSC 3751
- Monitoring the program FSC 3752
- Making reports FSC 3752
- Reporting noncompliance FSC 3761
- Determining good cause FSC 3763
- Reestablishing eligibility after sanction FSC 3766

3751 Beginning Workfare Participation

01-01-99

The Workfare sponsor will be notified via a *Workfare Transmittal* (DCO-207) of the household's Workfare obligation.

An interview with the prime designee will be scheduled by the Workfare sponsor to obtain information regarding the training, experience and skills of the designee. These factors will be taken into account when the designee is assigned to a job site.

The Workfare sponsor will notify the prime designee of where and when to report to the Workfare site. Additionally, the prime designee must be given:

1. The name of the person to whom the designee is to report;
2. A description of the duties for the worksite; and
3. A statement of the number of hours to be worked each month.

Participants must be reimbursed (not to exceed \$25 per month) for transportation, child care, and other costs that are reasonable, necessary and directly related to Workfare. This includes costs of personal safety items or equipment required for performances of the work if also purchased by regular employees. Reimbursements for transportation may include, but are not limited to, use of participant's private vehicle and public transportation, provided cost per month does not exceed \$25.

Participants who fail to report to scheduled interviews or to assigned job sites or who otherwise fail to comply with proper instructions from the Workfare sponsor will be advised by letter to contact the Workfare sponsor to make arrangements to complete their obligations.

If a participant fails or refuses to comply with the Workfare requirements, the Workfare sponsor will make a tentative assessment of good cause as explained in FSC 3763.

3752 Monitoring and Reporting

11-01-02

The Workfare sponsor will monitor participation and provide supervision as needed to participants placed on each job site.

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1. The Workfare sponsor must maintain records of Workfare activity for each participant. At a minimum, these records must contain job sites, hours assigned and hours completed.
2. The Workfare sponsor must maintain records of monitoring activity. These records must include:
 - a) The date of each monitoring visit and the name of the job site visited;
 - b) Any discrepancies discovered through monitoring;
 - c) The corrective action prescribed; and
 - d) The results of follow up monitoring to insure corrective action was implemented.

Each job site will be provided with a copy of the monitoring report.

3. The Workfare sponsor must maintain verification of:
 - a) Direct reimbursement to participants; and
 - b) Travel claimed by the Workfare Coordinator/transportation director as a reimbursement for job related costs.
1. The Workfare sponsor must report to the DHS County Office on a monthly basis the following information:
 - a) The number of households referred for Workfare;
 - b) The number of households assigned to job sites;
 - c) The number of individuals assigned to job sites; and
 - d) The total number of hours worked by all participants.

This information is used by the DHS County Office to complete the *Quarterly Report* (DCO-210).

3753 Optional Grievance Procedures

01-01-99

The Workfare sponsor has discretion to establish a grievance procedure system to handle complaints filed by participants regarding working conditions or any other complaint related to Workfare participation - e.g. job duties assigned.

This procedure need not handle complaints that can be pursued through an administrative hearing as explained in FSC 3800. A participant who chooses not to use the optional grievance procedures may request an administrative hearing. A description of any optional grievance system must be included in the Workfare plan, and Workfare participants must be informed of the grievance procedures.

3760 Sanctions For Noncompliance With Workfare

11-01-02

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Any individual who fails or refuses to comply with a Workfare Program requirement without good cause will have committed a work registration violation. He or she will be disqualified from participating in the Food Stamp Program for three months for the first violation, six months for the second violation and twelve months for any subsequent violations. See FSC 3410 for a full explanation.

No sanction will be imposed when:

- The prime designee has obtained full-time employment;
- The household has moved out of the county; or
- The case is closed.

See FSC 3410 for applicable disqualification periods.

Upon receipt of an DCO-209 reporting noncompliance, the county worker will complete the following steps:

Step 1 - Using the DCO-209 submitted by the Workfare sponsor, determine if the household member had good cause for failure to comply. See FSC 3762. If yes, document the good cause in the case record and go to Step 3. If no, go to Step 2.

Step 2 - Issue a notice of adverse action as instructed in FSC 3764. Go to Step 3.

Step 3 - Notify the Workfare sponsor via the DCO-209 of the action taken on the case.

When an individual currently disqualified for Workfare noncompliance joins another food stamp household, his or her income and resources will be counted in their entirety; however, he or she will not be included as an eligible household member.

A Workfare disqualification will end when a disqualified household (or individual) moves into a county where no Workfare Program is operated.

3762 Good Cause for Workfare Noncompliance

11-01-02

A Workfare participant is considered to have administrative good cause for failing to complete his/her workfare obligation in the following situations:

- The participant is not yet available for scheduling due to the job search requirement cited in FSC 3740.
- The referral was received too late to schedule an interview for the current month.
- The participant never received an interview and/or work notice.
- The participant was interviewed too late in the month to be scheduled to work in the same month.
- The requirement is for too few hours to schedule.
- The household is currently under sanction.
- An administrative error resulted in the noncompliance.
- A worksite is not available.

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A participant is also considered to have good cause for failure to complete a Workfare obligation when:

- The participant is ill.
- The illness or incapacitation of another household member requires the presence of the Workfare participant.
- A household emergency requires the presence of the participant.
- The participant would have been required to join, resign or refrain from joining any legitimate labor organization.
- The work offered is at a site subject to a strike or lockout unless the strike has been enjoined under section 208 of the Labor-Management Relation Act (commonly known as the Taft-Hartley Act) but no injunction has been issued under section 10 of the Railway Labor Act.
- The degree of risk to health and safety is unreasonable.
- The Workfare designee is physically or mentally unfit to perform the employment as documented by medical evidence or by reliable information from other sources.
- The distance to the job site is unreasonable because daily commuting time exceeds two hours per day.
- The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.
- The participant has no transportation and transportation is not provided by the Workfare sponsor.
- The participant lacks adequate child care for children who have reached the age of six but are under the age of 12.
- The costs of transportation and other costs have exceeded \$25 per month and the excess amounts are not reimbursed by the Workfare sponsor.
- There is no longer a Workfare eligible in the home.
- The participant's obligation to the Food Stamp E&T Program has prevented the completion of the Workfare obligation.
- For UI applicant or recipient, the participant's obligation to ESD has prevented the completion of the Workfare obligation.
- The Workfare sponsor notifies the county of the noncompliance more than 15 days following the date on which the noncompliance occurred.

Workfare eligibles who are pregnant or who have partial disabilities are referred to Workfare sponsors; however, the Workfare sponsor must be made aware of the pregnancy or partial disability via the DCO-207. The work assignment should be appropriate for the person's condition. If there are no appropriate assignments, this will be considered good cause for not completing the Workfare obligation.

If a participant develops a disabling condition which is obvious (e.g. - broken leg), the sponsor may grant probable good cause and document the reason on the DCO-209. If the disabling condition is not obvious, the determination of good cause will be the responsibility of the DHS county office. A doctor's statement must be obtained as explained in FSC 3230.

3763 Determining Good Cause

01-01-99

Good cause is determined by either the Workfare sponsor or the DHS worker on a monthly basis. The Workfare sponsor may grant administrative good cause to a household without notifying the county via *Workfare Exchange of Information* (DCO-209). See FSC 3762 for a definition of administrative good cause.

The Workfare sponsor may also tentatively grant good cause to a participant if the participant contacts the Workfare sponsor to report that he or she will not be able to complete his or her obligation. In these instances the Workfare sponsor will report the noncompliance and tentative granting of good cause or no good cause via the DCO-209. The DCO-209 will be reviewed by the DCO worker for a final good cause determination. Good cause will automatically be granted by the DCO worker if the notification of noncompliance is received more than 15 days following the date of noncompliance.

If the DCO worker determines that the participant had good cause for the noncompliance, the DCO-209 will be completed to reflect this decision and will be returned to the Workfare sponsor. No additional action will be required.

If the DCO worker determines that the participant did not have good cause, a notice of adverse action will be sent to the household. See FSC 3754 for instructions.

When the Workfare sponsor is unable to tentatively determine good cause or no good cause due to lack of information or conflicting information, the noncompliance will also be reported by -209.

When a DCO-209 indicating possible good cause or no good cause is received, the DHS worker must review the case record to determine if good cause can be established.

If good cause cannot be established through a review of the case record, the household must be issued an advance notice of adverse action. The notice must contain the information specified in FSC 3754.

When the Workfare sponsor receives a report that a Workfare participant is employed, this information must be reported to the DHS county office via the DCO-209. If the name of the employer is known, this information will be included on the DCO-209. Within 10 days of the date of the receipt of a DCO--209 reporting employment, the DHS worker must review the case record and take the appropriate action.

If full-time employment has been reported to the DHS county office, the household will be granted good cause for any noncompliance. If less than full-time employment has been reported, good cause cannot be granted automatically. A notice must be sent to the household if additional information is needed to determine whether the household had good cause.

If employment has not been reported by the household, the DHS worker will attempt to confirm the reported employment by contacting the employer or other collateral contact. Reports of earned income from Workfare sponsors will be handled in the same way as reports of earnings from field investigators. See FSC 12440 for details. If the DHS worker is not able to confirm the report of earned income, the DCO-209 will be handled as a report of Workfare noncompliance. The household will be sanctioned unless good cause for the noncompliance is established. If good cause for the noncompliance is established, the household's certification period will be shortened as explained in FSC 11320.

3764 Notice of Adverse Action

11-01-02

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Within 10 days of determining that a household member has failed to comply with Workfare, the DHS worker will issue a notice of adverse action to the household. The notice may be combined with a request for information in order to determine if the household had good cause for noncompliance.

When the prime designee or other Workfare eligible has failed to comply with Workfare without good cause, the notice of adverse action must specify:

- Who failed to comply with Workfare;
- That as a result, this individual will be disqualified;
- How long the disqualification will last; and
- How he or she may avoid the sanction by working off the outstanding obligation. (The notice must provide a name and telephone number for the individual to contact about working off the obligation.)

If it has not been established whether the Workfare eligible had good cause for the noncompliance, the notice must state:

1. Who failed or refused to complete the Workfare obligation;
2. That this person has not established good cause for the noncompliance;
3. That the household must contact the DHS worker within 10 days to establish if the Workfare participant had good cause for the noncompliance; and
4. That unless good cause is established, the non-compliant household member will be disqualified for two months for each month of noncompliance.

NOTE: The notice must specify any information needed to establish good cause.

3765 Avoiding a Sanction

11-01-02

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To avoid the imposition of the sanction, the member who failed or refused to comply with the Workfare requirements must report to the Workfare sponsor during the ten-day notice period. The Workfare administrator will make arrangements with the participant to work off the outstanding obligation.

If the Workfare office cannot or does not allow a participant to work off an obligation, the county will not impose a sanction.

If the Workfare eligible demonstrates to the Workfare sponsor within the ten-day advance notice period that he or she is in compliance, the Workfare administrator will immediately notify the DHS worker in writing, and no sanction will be imposed.

If the individual does not contact the Workfare office or does not comply with Workfare, a sanction will be imposed as instructed in FSC 3760 through FSC 3764.

3766 Ending a Sanction

11-01-02

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Condition 1 The disqualified household member agrees to work off the obligation.

Condition 2 The disqualified household member is no longer subject to the Workfare requirement and/or work registration requirements. (This does not include exemptions related to receipt of UI or TEA benefits. See FSC 3710.)

Condition 3 The household is residing in a county that has no Workfare Program.

Condition 4 The sanction was imposed in error. If a household member was disqualified due to an error on the part of either the Workfare sponsor or the Food Stamp office, the DHS worker must reopen the case using the information on the last application, restore any lost benefits and notify the household.

At the end of disqualification, the disqualified household member must be re-added to the food stamp household as an eligible member. If this member is not exempt from the Workfare Program requirements, he or she must be referred to the Workfare Program. If he or she again fails or refuses to comply with the Workfare Program requirements, another sanction will be imposed.

3770 Reports to be Submitted by the DHS County Office

01-01-99

Each quarter, the DHS county office must submit to the Food Stamp Section, Central Office, a Workfare Quarterly Report (DCO-210.) Reports are due within 30 days of the end of the quarter.

3780 **Sharing Workfare Savings - Enhanced Reimbursement**

11-01-02

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A Workfare sponsor may share in benefit reductions that occur when a Workfare participant begins employment while participating in Workfare for the first time or within thirty days of ending the first participation in Workfare.

- To begin employment means to appear at the place of employment and to begin working.
- First participation in Workfare means performing work for the first time in a particular Workfare Program. The only break in participation which will not end a first participation is a break due to the participant's taking a job that: a) does not affect the household's monthly food stamp benefits by an entire month's wages; and b) that is followed by a return to Workfare.

The Workfare sponsor must calculate benefit reductions from each Workfare participant's employment as follows:

1. Unless there are household changes known to the Workfare sponsor, the benefit reduction will be based on the difference between the household's food stamp benefit amount the month before the job began and the first monthly benefit amount that reflects a full month's income from the job.
2. If the Workfare sponsor is aware of household changes that occurred after the job began or if food stamp benefits were not issued after the job began, a food stamp budget must be calculated to reflect the effects of the new job without regard to the other changes. To calculate such a budget the worker must recalculate the budget used the month before the new job began and add the earnings from the new job. For this budget, the earned income deduction must reflect the earnings from the new job plus any pre-existing employment. Any dependent care costs incurred as a result of the new job will be allowed. If TEA cash assistance decreased as a result of the new job, the reduced TEA cash assistance amount will be shown in the budget. The benefit reduction will be the difference between the original benefit amount and the recalculated benefit amount. If the household is ineligible, the reduction will equal the household's entire benefit amount.
3. The political subdivision's share of the benefit reduction is three (3) times the difference, divided by two.
4. If, during these procedures, an error is discovered in the last food stamp benefit amount issued before the new employment began, then those benefits must be corrected before the savings are calculated.

To claim and receive the enhanced reimbursement, the procedure for reimbursing Workfare's regular expenses will be used. Totals of benefit reductions for the period covered by the claim will be entered in the miscellaneous section of the claim document. The workfare sponsor must be prepared to make available for review all documentation to support each claim.

Enhanced reimbursement is limited to the amount of the actual unreimbursed costs for the fiscal year in which the participant began the job which resulted in the savings.

Example 1 The household's monthly food stamp benefits at the time the Workfare participant went to work were \$240. The monthly benefit amount is reduced to \$93 as a result of the earnings.

The enhanced reimbursement is calculated as follows:

$$\$240 - 93 = \$147 \times 3 = 441 \div 2 = \$220.50.$$

The amount claimed as enhanced reimbursement is \$220.50.

Example 2 The household's monthly benefits at the time the Workfare participant went to work were \$83. Two additional household members were added prior to earnings. After changes were made, the benefits increased to \$102. There would be no enhanced reimbursement.

3800 Appeal of County Decisions

01-01-99

All decisions regarding work registration, Requirement to Work (RTW) or Workfare determinations may be appealed through the administrative hearing process explained in FSC 16300 - 16330.

The Workfare sponsor must be available to participate if a hearing about a Workfare noncompliance is scheduled. The DHS County Office must provide the Workfare sponsor with advance notice of the time and place of the hearing.

When a participating household appeals the county's decision regarding failure or refusal to comply with work registration, RTW or Workfare requirement within the notice period, benefits will be continued providing:

1. The household did not waive continuation of benefits; and
2. The household's certification period has not expired. (Certification periods cannot be extended to accommodate continuation of benefits.)

The county office worker will restore lost benefits to the household if the hearing decision is in the household's favor and continued benefits were waived. If the hearing decision is in the county's favor and the household's benefits were continued during the hearing process, the disqualification will be imposed as soon as possible.

12110.4 Documentation

09-01-99

The following documentation is required when a household's food stamp benefits remain the same after a reduction in TEA or SSI benefits due to an intentional failure to comply with a program requirement:

- The source of income (TEA or SSI) which has been reduced, suspended or terminated;
- The reason for the reduction, suspension or termination;
- The amount which continues to be counted as income in the food stamp case;
- How this amount was determined (include any necessary calculations); and
- When the sanction is expected to end.

The documentation should appear on a separate sheet of paper and should be moved forward to the current case action.

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12110.5 Disqualification of Household Members

11-01-02

When a member of a TEA household who is not exempt from the work registration requirements for reasons other than receipt of TEA benefits fails to comply with a TEA work requirement, that household member may be disqualified under the provisions in FSC 3414. For the purposes of determining if a member should be disqualified, the TEA work requirements are:

- Failed to participate in a work activity
- Minor parent failed to comply with work activity
- Failed to participate in an employability assessment
- Failed to accept employment or terminated employment

12200 Changes Reported by the Household

09-01-99

12210 Address Changes

09-01-99

All households must report changes in residence and any related changes in shelter costs. This is the only time the household is required to report a change in shelter costs.

All address changes, even those where no move has occurred, must be reported as quickly as possible to prevent delays in the receipt of information from the Agency.

FSC – PROCESSING REPORTED CHANGES
Quarterly Reporting Households/New Members

12211 - 12222

12211 Actions to Take to Change an Address

09-01-99

Address changes do not require any change to the household's budget unless new shelter costs are reported. If the household is currently using the utility standard but is no longer entitled to do so, actual utility costs may be used in the budget if verified. If the household becomes entitled to use the utility standard as a result of the change in residence, the household must be offered this option.

See FSC 6600 - 6627 for a full explanation of allowable shelter costs.

12220 Changes in Household Composition

09-01-99

12221 Quarterly Reporting Households

09-01-99

Quarterly reporting households are only required to report changes in household composition on the quarterly reporting form, but may choose to report a change in household composition at any time. If a new member is reported independent of the quarterly reporting form, the processing standards for occasional reporters will be used. See FSC 11410.

If a quarterly reporting household reports the loss of a household member independent of the quarterly reporting form, the change will be processed within 10 days. If the change in household composition results in case closure or decrease in benefits, the quarterly reporting household is entitled to the same notice as an occasional reporting household.

If any household reports a new member who has been participating as a member of a quarterly reporting household, the county will not wait until the next quarterly reporting form is submitted. Instead, a 10-day advance notice of adverse action will be issued to the quarterly reporting household. After the 10-day notice of adverse action has lapsed, the new member will be added to the household.

12222 New Members

09-01-99

New members must meet the citizenship requirements specified in FSC 1621. Individuals who do not meet these requirements will be considered ineligible aliens. See FSC 1621.3 for instructions on handling the income and resources of an ineligible alien. Except for newborns, each new member who has not previously complied with the SSN requirement must do so before he or she can be added to the household as an eligible member. See FSC 2220-2223.

In any county where the Food Stamp E&T Program is operational, a *Status Determination/Referral* (DCO-205) must be completed on all new eligible members who are not exempt from the work registration requirements.

See the chart in FSC 12223 for instructions on handling new members who are currently disqualified from participating in the Food Stamp Program.